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4 JANE DOE,
5 Plaintiff,
6 v.
7 HENRY WIRTA, et al.,
8 Defendants.

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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 Case No. 19-cv-00587-JCS

15 **ORDER PROVISIONALLY
16 GRANTING MOTION TO FILE
17 COMPLAINT AND PROCEED UNDER
18 A PSEUDONYM**

19 Re: Dkt. No. 2

20 Plaintiff asks the Court for permission to proceed anonymously in this action because the
21 claims she asserts are based on the public disclosure of sensitive and personal information about
22 Plaintiff in Marin County Superior Court. In particular, in her complaint she alleges that private
23 information about her disability, as well as her mother's social security number, are in the public
24 record of that court and that she fears that disclosure of her identity in this action would alert
25 people of that information, causing harm to her private and professional life and harm to her
26 mother. The Court GRANTS the request with the caveat that it will revisit this issue at a later
27 stage of the case if the complaint is served on any Defendants.

28 The Ninth Circuit has held that "a party may preserve his or her anonymity in judicial
proceedings in special circumstances when the party's need for anonymity outweighs prejudice to
the opposing party and the public's interest in knowing the party's identity." *Does I thru XXIII v.*
Advanced Textile Corp., 214 F.3d 1058, 1068–69 (9th Cir. 2000). Thus, courts have allowed
plaintiffs to proceed anonymously "when anonymity is necessary 'to preserve privacy in a matter
of sensitive and highly personal nature[.]'" *Id.* (quoting *James v. Jacobson*, 6 F.3d 233, 238 (4th
Cir. 1993); and citing *Doe v. United Services Life Ins. Co.*, 123 F.R.D. 437 (S.D.N.Y.1988)
(allowing plaintiff to sue insurance company anonymously to protect against identification as a

1 homosexual); *Doe v. Deschamps*, 64 F.R.D. 652, 653 (D. Mont. 1974) (permitting plaintiff in
2 abortion suit to use pseudonym due to the personal nature of pregnancy)). The balancing that
3 courts must conduct is specific to the stage of the case and “the court must . . . determine the
4 precise prejudice at each stage of the proceedings to the opposing party, and whether proceedings
5 may be structured so as to mitigate that prejudice.” *Id.* (citing *James*, 6 F.3d at 240–41). Thus, for
6 example, the court in *Does I thru XXIII v. Advanced Textile Corp.* found that the prejudice to
7 defendants and the public of allowing the plaintiffs to proceed anonymously was relatively low
8 based, in part, on the fact that the case was still in its early stages and discovery had been stayed.

9 Here, allowing Plaintiff to proceed anonymously will cause no prejudice to Defendants at
10 this stage of the case because the case has not yet been reviewed under 28 U.S.C. § 1915 or been
11 served on defendants. On the other hand, the allegations in the complaint indicate that Plaintiff’s
12 claims involve sensitive matters related to a disability. At this stage of the case, the Court
13 concludes that Plaintiff’s privacy interests outweigh the interests of the public and Defendants in
14 disclosure of Plaintiff’s identity. If the case is not dismissed under Section 1915 and the
15 Complaint is served on any of the Defendants, the Court will revisit this question as it is likely that
16 the interests of Defendants and the public in disclosure of Plaintiff’s identity will increase as the
17 case proceeds.

18 **IT IS SO ORDERED.**

19 Dated: March 6, 2019

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21 JOSEPH C. SPERO
Chief Magistrate Judge

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